SBCivil Writ Petition No.4509/2006

Kurda Ram
Vs.
Judge, Labour Court, Bikaner & Anr.

Date of Order :: 22nd August, 2006

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. R.S.Saluja, for the petitioner.

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By this petition for writ a challenge is given to the award dated 23.7.2002 passed by Labour Court, Bikaner in Labour Case No.43/96, Kurda Ram v. Assistant Engineer, Public Works Department, Churu whereby the Labour Court after considering entire evidence available on record reached at the conclusion that the petitioner was not in continuous service of the employer as defined under Section 25-B of the Industrial Disputes Act, 1947 (hereinafter referred to as "the Act of 1947").

The contention of counsel for the petitioner while giving challenge to the award aforesaid is that the Labour Court failed to appreciate the evidence available on record in correct perspective and also not examined the muster rolls concerned to verify the fact as to whether the workman was in continuous service of the employer or not.

I do not find any merit in the contention so raised as the Labour Court has taken into consideration the entire record available and also appreciated the evidence by proper application of mind. No error appears in the award impugned which may warrant interference of this Court under Articles 226 and 227 of the Constitution of India.

The writ petition, therefore, is dismissed.

(GOVIND MATHUR),J.

kkm/ps.